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10/645,476	08/20/2003	Peter Wanat	HAV 301	8005

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EXAMINER
HSU, RYAN

ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 August 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-30,32 and 35-37_ is/are rejected.

7) ☒ Claim(s) _31,33 and 34_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _20 August 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☒ Certified copies of the priority documents have been received in Application No. _60/405,066_.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _2/17/05; 12/06/06_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 6 recites the limitation "NPC" in the body of the claims. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

Claims 31 and 33-34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 31, the prior art of record does not teach or suggest using a "trust-up event includes a player character subjecting itself to a medical examination, in a vicinity of a non-player character".

Regarding claim 33, the prior art of record does not teach or suggest a "non-player character reaction that includes being unable to perform a command from the player character when the trust state of the non-player character is below a predetermined level".

Regarding claim 34, the prior art of record does not teach or suggest wherein the "emotional state further includes a fear state, and wherein the non-player character reaction includes becoming unaffected by trust-influencing events upon reaching a threshold fear state".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by the video game Fall Out 2 as evidenced by "Desslock: "Fall Out 2: game review" and "www.nma-fallout.com".

Regarding claims 1 and 37, Fall Out 2 discloses a method and a game program stored on a computer readable medium for controlling a non-player character in a computer game, that provides a squad of user-commandable characters, the squad including a player including a player character and at least one non-player character, the non-player character being commandable via the player character (*see "Desslock"*); detecting a predefined game event (*see www.nma-fallout.com, 'character system'*); and adjusting a current emotional state of the non-player character based on the game event (*ie: different options and items can change the character settings and effect the different emotional traits of the characters*)(*see www.nma-fallout.com, 'traits', 'npcs', 'skills'*). Additionally, Fall Out 2 discloses a method that allows for a selection of a non-player character reaction based on the current emotional state of a non-player character (*ie: different non- player characters can have traits adjusted based on different game events*)(*see www.nma-fallout.com, 'npcs'*).

Regarding claim 36, Fall Out 2 discloses a computer game system for emotion-based character interaction, the system comprising a computer game program having a module configured to control movement for a squad of user-commandable characters, the squad including a player character and at least one non-player character, the non-player character being commandable via the player character (*see "Desselock"*). Additionally, Fall Out 2 discloses a non-player character module including: a game event detector configured to detect a predefined

game event (*see www.nma-fallout.com, 'character system'*); an emotional state adjustor

configured to adjust a current emotional state of the non-player character based on the game

event (*see www.nma-fallout.com, 'traits', 'npcs', 'skills'*); and a non-player character reaction

selector configured to select a non-player character reaction based on a current emotional state of

the non-player character (*ie: the user is able to select the actions of the non-player character

based on the characteristic traits of the non-player character*)(*see www.nma-fallout.com,

'npcs'*).

Regarding claim 2, Fall Out 2 discloses a method wherein movement of the player

character is controlled by direct user input from a user input device, and movement of the non-

player character is controlled by the computer game program (*see "Desselock"*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fall

Out 2 as evidenced by "Desslock: "Fall Out 2: game review" and"www.nma-fallout.com".

Regarding claims 10-14, Falls Out 2 discloses a role playing game that allows a user to

incorporate a squad of user-commandable characters and a predefined game event that adjusts a

current emotional state of a non-player character based on the game event. Additionally, the

game allows a user to select a non-player character reaction based on the current emotional state

of the non-player character. Furthermore, Fall Out 2 implements a method that adjusts the

characteristic traits of the characters and the non-player characters based on possession of

weapons or ammunition that can cause an increase or decrease in the respective traits (*see nma,

'basic traits', 'skills', 'karma' and 'npcs'*). Fall Out 2 also incorporates medicine to adjust the

traits of the player characters and a GUI indicator that present the user with current state of the

different attributes and skills (*see nma, 'Character Stats', 'Items'*). However, although Fall Out

2 teaches several different types of emotional traits it fails to teach specifically a "fear state".

These special 'traits' or 'states' symbolize different aspects of human behavior and emotion.

They are based upon the same principles well known in the gaming arts of where different

gaming events will effect these different skills or attributes (*ie: health*) and therefore can increase

or decrease these traits in order to mimic attributes of the virtual players. The options available

to a programmer are limitless however they are nonetheless the same from a technical

perspective. As a result there is no patentable distinction from the weapons affecting strength or

health or any other skill state. Therefore it would have been a simple matter of design choice

and would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate any various types of traits such as a "fear state".

Claims 3-30, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fall Out 2 as applied to claims above, and further in view of Shatterfield's Eternal

Darkness: Sanity's Requiem Review.

Regarding claims 3-9 and 15-17 and 19, Fall Out 2 teaches a game that incorporates a

squad of player characters and non-player characters where different character traits may be

incorporated and selectively altered based upon different game events and items that are used by

the different player characters. Furthermore, Fall Out 2 implements a method that adjusts the

characteristic traits of the characters and the non-player characters based on possession of

weapons or ammunition that can cause an increase or decrease in the respective traits (*see nma,*

'basic traits', 'skills', 'karma' and 'npcs'). Fall Out 2 also incorporates medicine to adjust the

traits of the player characters and a GUI indicator that present the user with current state of the

different attributes and skills (*see nma, 'Character Stats', 'Items'*). However, although Fall Out

2 teaches several different types of emotional traits it fails to teach specifically a "fear state".

These special 'traits' or 'states' symbolize different aspects of human behavior and emotion.

They are based upon the same principles well known in the gaming arts of where different

gaming events will effect these different skills or attributes (*ie: health*) and therefore can increase

or decrease these traits in order to mimic attributes of the virtual players. The options available

to a programmer are limitless however they are nonetheless the same from a technical

perspective. As a result there is no patentable distinction from the weapons affecting strength or

health or any other skill state. Therefore it would have been a simple matter of design choice

and would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate any various types of traits such as a "fear state". However, Fall Out 2 is

silent with regard to how a fear state or emotional trait would be incorporated within a game

when a player character is within proximity to a fear emitter or the different types of operations

that are effected in the game when an emotional state is changed or effected by different game

events.

In an analogous role playing game, Shatterfield teaches of a game known as "Eternal

Darkness: Sanity's Requiem", herein referred to as "ED:SR". As taught by Shatterfield, Eternal

Darkness incorporates a mental state or emotional state of the player character's that are affected

by the events of the game. ED:SR teaches a fear state (*ie: a sanity state*) that adjusts in an

increasing or reducing manner based on its proximity to a fear emitter or enemy (*see*

Shatterfield). Furthermore, ED:SR implements different responses to commands when the fear

state (*ie: sanity state*) reaches a predetermined level (*ie: above a certain threshold state or below*

a threshold state) wherein a character reaction may include a self-destructive act or an act of

incapacitation (*see Shatterfield*).

Regarding claims 18, 20-30, and 35, Fall Out 2 and ED:SR implement a method that

adjusts the characteristic traits of the characters and the non-player characters based on

possession of weapons or ammunition that can cause an increase or decrease in the respective

traits (*see nma, 'basic traits', 'skills', 'karma' and 'npcs'; Shatterfield*). Fall Out 2 also

incorporates medicine to adjust the traits of the player characters and a GUI indicator that present

the user with current state of the different attributes and skills (*see nma, 'Character Stats',*

'Items' Shatterfield). However, although Fall Out 2 and ER:SR teach several different types of

emotional traits it fails to teach specifically a "truth state". These special 'traits' or 'states'

symbolize different aspects of human behavior and emotion. They are based upon the same

principles well known in the gaming arts of where different gaming events will effect these

different skills or attributes (*ie: health, sanity state*) and therefore can increase or decrease these

traits in order to mimic attributes of the virtual players. Additionally, as mentioned previously

the attributes that can be attributed to the state of these traits are mentioned above and

incorporated herein. Furthermore, ER:SR allows the state of these emotional states to affect the

virtual mental state of the non-player characters and can have adverse effects within the virtual

gaming world. The options available to a programmer are limitless however they are

nonetheless the same from a technical perspective. As a result there is no patentable distinction

from the sanity state or any other skill state. Therefore it would have been a simple matter of

design choice and would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate any various types of traits such as a "truth state".

Regarding claim 32, Fall Out 2 discloses a method wherein an event includes a player

character attacking a monster in a vicinity of a non-player character (*see Desslock*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Kikukawa et al. (US 6,780,112 B2) – Game Device in Which the Character

Representation Changes Corresponding to the Value of a Multi-level input signal.

Miyake (US 6,732,146 B1) – Information Processing Apparatus Information Processing

Method, and Information Providing Medium Providing a Changeable Virtual Space.

Mcquaid et al. (US 6,767,287 B1) – Computer System and Method for Implementing a

Virtual Reality Environment for a Multi-Player Game.

Itou et al. (US 6,354,940 B1) – Game Apparatus, Game Fight Processing Method, and

Computer Readable Storage Medium Storage Program Therefor.

Kudo (US 6,666,764 B1) – Method of Controlling a Character in a Video Game.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached at (571)-272-6788.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

January 6, 2006

SCOTT JONES
PRIMARY EXAMINER